

REMARKS

The Applicant has provided the proper trademark recognition for the mark TEFLON® as requested by the Examiner.

The Applicant has corrected the deficiency in claim 17 noted by the Examiner. The Applicant submits that the claim now complies with the second paragraph of § 112.

The Examiner rejected claims 1, 2, 5-8 and 11-12 under 35 U.S.C. 102(e) as being anticipated by the Hood '997 patent. The Examiner also rejected claims 13, 14, 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over the Hood '997 patent. The Examiner has pointed to Figures 11, 20 and 21 of Hood to support his contention that Hood implicitly discloses a stop inserted into an inner channel of an electrode body. The Applicant respectfully reverses the Examiner's contention.

As recited in the claims, the stops are inserted into an inner channel of an electrode body. For something to be implicit or inherent in a reference, it must be necessarily so. Another plausible option negates a finding of an inherent disclosure. As noted on column 12, lines 61-65 of Hood, the tips can be made from grinding and chemical milling processes. The tips can be made by starting with a wire and reducing the diameter at the distal end. With such a process, the tip, stop and electrode are one solid piece with steps oriented by grinding or milling the electrode. Consequently, it is not implicit nor inherent that Hood discloses the insertion of a stop into the body of an electrode assembly, nor does Hood suggest such a configuration. For these reasons the Applicant submits that Hood neither anticipates nor renders obvious the pending claims of the above entitled application.

The Examiner rejected claims 1, 2, 4-8, 10-13 and 15-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,723,093. The Applicant is enclosing herein a Terminal Disclaimer to overcome the double patenting rejection.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1, 2, 4-8, 10-13, and 15-18 at an early date is solicited.

Respectfully submitted,

IRELL & MANELLA LLP

Dated: July 28, 2005

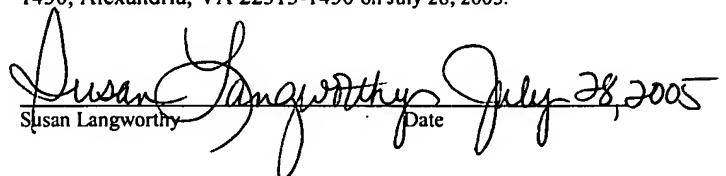


Ben Yorks, Reg. No. 33,609

840 Newport Center Drive, Suite 400
Newport Beach, CA 92660
949-760-0991

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Susan Langworthy Date
July 28, 2005